

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4950 OF 2004

Jeevan Dnyaneshwar Rahane ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr.V.V.Purwant for Applicant.

Mr.R.Y.Mirza, A.P.P. for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

DECEMBER 1, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. It is seen that no overt act is attributed to the Applicant in the F.I.R. as lodged. Indeed, the Applicant is stated to be present when the offence took place. That, by itself, does not take the prosecution case any further so as to implicate the Applicant in the commission of the offence. Besides, it is brought to my notice that accused

who is stated to have assaulted the deceased, has already been released on bail by this Court by order dated 10th November 2004 passed in Criminal Application No.5121 of 2004.

3. Taking overall view of the matter, the Applicant deserves to be enlarged on bail on following terms :

(a) The Applicant is released on bail in relation to C.R.No.I-107/04 registered with Kalwa Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like amount.

(b) The Applicant shall regularly report to Kalwa Police Station once a week on every Monday between 10.00 a.m. and 1.00 p.m. till the conclusion of the trial.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicant shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicant is responsible for the delay of the trial, that can be a ground for cancellation of bail.

. Application allowed on the above terms.

A.M.KHANWILKAR, J.